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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,607	12/20/2000	Ana Reyes	155698-000	1211

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,607

Applicant(s)

REYES ET AL.

Examiner

James Sheleheda

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4, 7, 14 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The current invention is a system for controlling the transmission of input control information between an input device (115) and a broadcast receiver (110) by enabling a locking means through a menu and the terminating and reactivating of input keys on the input device (115) through use of a dedicated locking key (164).

The disclosure fails to enable one of ordinary skill in the art to make or use a system comprising "displaying a menu having an option that facilitates configuration of said input device", as recited in claims 4 and 14 (5-8) and claims 7 and 17 (lines 6-10). Page 7, lines 17-26 and page 8, lines 1-26 of the disclosure states that the displaying of a menu having an option that facilitates configuration of the input device is a setup procedure which must be completed **prior** to locking/unlocking (through user entry of a password) of the input device.

In order to advance prosecution of this application, the examiner is interpreting the locking/unlocking step of the device to include the use of a displayed menu. This means that for claims 4 and 7 (and corresponding claims 14 and 17) the displaying a menu step occurs before the selecting and prompting steps.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6, 9-11, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau et al. (Dureau) (US2002/0056112) in view of Nykerk (5,883,680).

As to claim 1, Dureau discloses a method for controlling the transmission of control information to an input device (paragraph 45, lines 1-8) in an entertainment system (Fig. 3), comprising: **receiving** programming data associated with a broadcast channel (paragraph 41), **displaying** a show associated with the channel (paragraph 41, lines 23-27). While Dureau discloses configuring an input device (paragraph 45, lines 1-8, paragraph 61), he fails to disclose wherein the input device is configured to operate in a first mode that suspends transmission of input control information to the entertainment system.

Nykerk discloses a remote control (Fig. 4A) which is configured to "lock" user defined keys on the remote (column 12, lines 25-40) to ensure that signals associated with those keys are not transmitted (by ignoring the pressing of those keys, column 12, lines 37-40) for the advantage of enabling parental control over programming to which a remote control will allow access (column 12, lines 20-24).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Dureau's method to include wherein the input device is configured to operate in a mode that suspends transmission of input control information to the entertainment system, as taught by Nykerk, for the advantage of enabling parental control over programming to which a remote control will allow access.

As to claim 11, Dureau discloses an entertainment system (Fig. 3) comprising: a **display monitor** (Fig. 3, TV, 51); and a **broadcast receiver** (receiver, 50) coupled to the display monitor (Fig. 3), the broadcast receiver including: a **front end unit** (Fig. 6, Processing unit, 60) capable of receiving programming data associated with a show broadcast for viewing on the display monitor (paragraph 41), a **memory** (Fig. 6, ROM 65 or RAM 66), and a **central processing unit** (processor, 64) coupled to the memory (Fig. 6, using bus 63), the central processing unit coupled to receive programming data associated with a broadcast channel (paragraph 40, lines 1-5; paragraph 41), the central processing unit to execute software to display a show associated with the channel (paragraph 44). While Dureau discloses wherein said central processing unit can is instructed when to execute software to configure an input device (paragraph 45,

lines 1-8, paragraph 61), he fails to disclose wherein the input device is configured to operate in a first mode that suspends transmission of input control information to the entertainment system.

Nykerk discloses a remote control (Fig. 4A) which is configured to "lock" user defined keys on the remote (column 12, lines 25-40) to ensure that signals associated with those keys are not transmitted (by ignoring the pressing of those keys, column 12, lines 37-40) for the advantage of enabling parental control over programming to which a remote control will allow access (column 12, lines 20-24).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Dureau's system to include wherein the input device is configured to suspend transmission of input control information to the entertainment system, as taught by Nykerk, for the advantage of enabling parental control over programming to which a remote control will allow access.

As to claims 6 and 16, Dureau and Nykerk disclose receiving an instruction to configure the input device to operate in a second mode that facilitates unlimited transmission of input control information to the entertainment system (See Nykerk at column 12, lines 41-50).

As to claims 9 and 19, Dureau and Nykerk disclose terminating transmission of all input control information to said entertainment system entered via said input device

(wherein key inputs are not transmitted during the programming of the remote; See Nykerk at column 12, lines 25-40).

As to claims 10 and 20, Dureau and Nykerk disclose reactivating transmission of all input control information to said entertainment system entered via said input device (See Nykerk at column 12, lines 40-50) upon selection of a dedicated key on said input device (See Nykerk at column 12, lines 40-50; "unlock key", 80).

5. Claims 2, 3, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau and Nykerk as applied to claims 1 and 11 above, and further in view of Han (6,111,518).

As to claims 2 and 12, while Dureau and Nykerk disclose configuring said input device to operate in the first mode, they fail to specifically disclose the displaying of a message concerning the input device's operational mode.

Han discloses a receiver (Fig. 3) that will display a warning message describing the locked status of a remote control (Fig. 5, step 506; column 3, lines 59-65) for the typical advantage of notifying a user as to the current status of a device.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Dureau and Nykerk's system to include the displaying of a message concerning the input device's operational mode, as taught by Han, for the typical advantage of notifying a user as to the current status of a device.

As to claims 3 and 13, Dureau, Nykerk and Han disclose wherein said message is displayed for a predetermined period of time (See Han at column 3, lines 10-13 and lines 59-65; wherein the warning/status messages must be for some set duration).

6. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau and Nykerk as applied to claims 1 and 11 above, and further in view of Ellis et al. (Ellis) (US2001/0010095).

As to claims 4 and 14, Dureau and Nykerk disclose wherein configuring the input device comprises: **selecting** a key on said input device (See Nykerk at column 12, lines 25-27) and **prompting** (by illuminating an LED) the user to enter a password (See Nykerk at column 12, lines 25-30). While Dureau and Nykerk disclose facilitating configuration of the input device to operate in said first mode using specific keys on the input device (See Nykerk at column 12, lines 33-39), they fail to disclose displaying a menu having at least one option that facilitates configuration of said input device and selecting the at least one option.

Ellis discloses an entertainment system (Fig. 1, user equipment, 32) wherein any function of dedicated remote control keys (such as blocking) can be provided in the form of menu options presented to the user for selection (paragraph 37) for the typical advantage of enabling a user to perform any function using easily navigable display menus.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Dureau and Nykerk's system to include displaying a

menu having at least one option that facilitates configuration of said input device and selecting the at least one option, as taught by Ellis, for the typical advantage of enabling a user to perform any function using easily navigable display menus.

7. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau and Nykerk as applied to claims 6 and 16 above, and further in view of Ellis et al. (Ellis) (US2001/0010095).

As to claims 7 and 17, Dureau and Nykerk disclose wherein receiving said instruction to configure the input device to operate in the second mode comprises: **selecting** a key on said input device (See Nykerk at column 12, lines 25-27), **prompting** (by illuminating an LED) the user to enter a password (See Nykerk at column 12, lines 25-30) and **confirming** the validity of said password (Wherein the unlocking password must be the same as the original locking password, See Nykerk at column 12, lines 45-47). While Dureau and Nykerk disclose facilitating configuration of the input device to operate in said second mode, they fail to disclose displaying a menu having at least one option that facilitates configuration of said input device and selecting the at least one option.

Ellis discloses an entertainment system (Fig. 1, user equipment, 32) wherein any function of dedicated remote control keys (such as blocking) can be provided in the form of menu options presented to the user for selection (paragraph 37) for the typical advantage of enabling a user to perform any function using easily navigable display menus.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Dureau and Nykerk's system to include displaying a menu having at least one option that facilitates configuration of said input device and selecting the at least one option, as taught by Ellis, for the typical advantage of enabling a user to perform any function using easily navigable display menus.

8. Claims 5, 8, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau, Nykerk and Ellis as applied to claim 4 and 7 above, and further in view of Lownes et al. (Lownes) (6,137,539).

As to claims 5 and 15, while Dureau, Nykerk and Ellis disclose the selecting of said first mode, they fail to specifically disclose the displaying of a status key indicating the mode selected.

Lownes discloses a set top terminal (DTV-STB, 90) which will send a command to a device (D-VHS, 113) to change states (Fig. 4, steps 410-416, column 8, lines 58-67 and column 9, lines 1-10) and wherein the current state of the device is then displayed (Figs. 5 and 6, column 9, lines 51-62) for the typical advantage of notifying a user as to the current status of any devices in use.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Dureau, Nykerk and Lownes system to include the displaying of a status key indicating the mode selected, as taught by Lownes, for the typical advantage of notifying a user as to the current status of any devices in use.

As to claims 8 and 18, while Dureau, Nykerk and Ellis disclose the selecting of said first mode, they fail to specifically disclose the displaying of a message indicating the input device is configured to operate in the selected mode.

Lownes discloses a set top terminal (DTV-STB, 90) which will send a command to a device (D-VHS, 113) to change states (Fig. 4, steps 410-416, column 8, lines 58-67 and column 9, lines 1-10) and wherein the current state of the device is then displayed (Figs. 5 and 6, column 9, lines 51-62) for the typical advantage of notifying a user as to the current status of any devices in use.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Dureau, Nykerk and Lownes system to include the displaying of a message indicating the input device is configured to operate in the selected mode, as taught by Lownes, for the typical advantage of notifying a user as to the current status of any devices in use.

Conclusion

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS


CHRIS GRANT
PRIMARY EXAMINER